

ty to such change." Read by caption and referred to Judiciary Committee No. 1.

Senator Cooper, chairman of Committee on Enrolled Bills, submitted the following report :

COMMITTEE ROOM,  
AUSTIN, February 24, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 104, "An act validating the proceedings of the county court of Jackson county," and find the same correctly enrolled, and at 4:35 o'clock P. M., of this day, presented the same to his Excellency the Governor, for his approval and signature.  
COOPER, Chairman.

On motion of Senator Duncan, the Senate adjourned until 9:30 A. M. to-morrow.

### THIRTY-NINTH DAY.

SENATE CHAMBER,  
AUSTIN, February 25, 1881. }

The Senate met pursuant to adjournment; the President in the chair.

Roll called; quorum present.

Prayer by the Chaplain.

On motion of Senator Shannon, the reading of the journal of yesterday was dispensed with, and the same adopted.

On motion of Senator Buchanan of Grimes, Mr. A. M. Belvin, engrossing clerk, was excused for the day on account of sickness.

Senator Harris presented a petition from citizens of Bell county, asking that a constitutional amendment be presented to the people prohibiting the manufacture, importation or sale of intoxicating liquors in this State. Referred to Committee on Constitutional Amendments

Senator Stubbs presented a petition of the Board of Health, Mayor and City Council of the city of Galveston, requesting the erection of a quarantine station and buildings for disinfecting cargoes at Galveston harbor. Referred to Committee on Industries, Public Health and History of Texas.

Senator Hightower introduced a bill entitled "An act for the collection of the statistics of the State of Texas." Referred to Committee on Agricultural Affairs.

Senator Weathered introduced a bill entitled "An act to prohibit the sale of spirituous, vinous or other intoxicating liquors within five (5) miles of Grapeland Academy, located at the town of Grapeland, county of Houston." Referred to Committee on State Affairs.

Senator Ross, by request, introduced a bill entitled "An act to authorize railroad companies incorporated by or under the laws of this State to exercise rights, franchises and privileges in other States." Referred to Committee on Internal Improvements.

Also, a bill entitled "An act making an appropriation of one-tenth of the poll tax not set apart for the benefit of public free schools, for the organization, maintenance, annual encampment and expenses of the volunteer guards of this State." Referred to Committee on Finance.

Senator Stubbs introduced a bill entitled "An act to amend article 3210 of the Revised Civil Statutes, relating to dormant judgments."

Also, a bill entitled "An act to amend article 2295 of the Revised Civil Statutes, relating to executions against partnership interests." Referred to Judiciary Committee No. 1.

The first special order being Senate bill No. 52, "An act to regulate the practice of medicine, surgery and pharmacy, and to repeal chapter three of the Penal Code," was

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taken up, the pending question being the substitute for the original bill, offered by Senator Houston.

Senator Houston offered the following amendment to the original bill: Strike out proviso in line 25 down to and including line 31. Withdrawn.

Senator Hightower offered the following amendments :

Amend in section 5, by striking out the following, to-wit: "if the applicant desires to practice medicine in any of its departments, or surgery, but if pharmacy only, then a fee of," and insert, "The fee for the examination of an applicant for certificate to practice medicine, or surgery, or pharmacy only, shall be." Withdrawn.

Amend section 6, line 23, by striking out therefrom the words, "for the time specified," and in lines 25, 26 and 27, this clause to-wit: "Which time shall be not less than one nor more than five years in the discretion of the board; *Provided*, all certificates shall be granted for the same period."

(Senator Martin of Navarro in the chair.)

The pending amendment was lost.

Senator Terrell offered the following amendment: Add after the word "medicine" the words "in this State," and strike out, in line 13, all after the word "fee."

(President in the chair.)

Senator Wynne moved a division of the question. Carried, and both divisions of the pending amendment adopted.

Senator Houston moved to transpose the first amendment, and make it come after the word "pharmacy," instead of after "medicine." Withdrawn.

Senator Duncan offered the following amendments: Amend section 2, line 11, by inserting between the words "years" and "shall" the following: "And whose moral character is good." Adopted.

Also, strike out all after the word "any," line 3, page 1. Withdrawn

Also, an amendment to insert in line 6, page 4, after the word "but," "if his moral character be good." Adopted.

Also, an amendment to add to section 9, "nor to women practicing midwifery." Adopted.

Also, amendment to change section 10a and 10, so that section 10a shall be section 10, and section 10 shall be numbered 11. Adopted.

Also, amendment to section 11: "This law shall take effect and be in force from and after the first day of July, 1881."

Senator Cooper offered the following, as a substitute for the last amendment: Amend by adding to section 11 as follows: "No person shall be held answerable for the violation of any of the provisions of this act until thirty days after the board of medical examiners shall have held their first annual session after this act goes into effect." Adopted, and substitute, as amended, adopted.

Senator Henderson offered the following amendments: Amend section 6, by inserting in line 7, after the word "seal," the following: "similar to that required for notaries, except, instead of the words 'notary public' on said seal, there shall be engraved the letters M. D." Adopted.

Amend section 8, lines 3 and 4, page 5, by striking out the following: "one-half of such fine to be paid to the informer, and the other half into the county treasury." Adopted.

Senator Burges offered the following amendment:

*Provided*, that no one shall be held liable to punishment under this act for practicing pharmacy, compounding or selling medicines or filling prescriptions, who does so where no one qualified, under this act, is engaged in said business within a distance of ten miles.

Adopted by the following vote:

## YEAS—15.

Buchanan of Grimes	Lane,	Ross,
Burges,	Martin of Cooke,	Shannon,
Davenport,	Martin of Navarro,	Stubbs,
Gooch,	Patton,	Swain,
Houston,	Powers,	Weatherred.

## NAYS—14.

Buchanan of Wood,	Henderson,	Moore,
Burton,	Hightower,	Terrell,
Cooper,	Homan,	Tilson,
Duncan,	Lair,	Wynne.
Harris,	Lightfoot,	

A message was received from the House announcing that that body had passed Senate bill No. 202, "An act to provide for the payment of the interest due on the public debt March 1, 1881."

Senator Harris offered the following amendments: In section 6, page 4, line 2, after the word "regular," insert the word "genuine." Also, after the word "certificate," in line 5, page 4, section 6, insert the following: "and shall convince said board that he, the said applicant, is the identical person to whom such diploma or certificate was granted." Adopted.

Senator Stubbs entered a motion to reconsider the vote by which Senator Burges' amendment was adopted.

Senator Swain offered the following amendment: Add to section 6:

*Provided, that any person who has been a regular practicing physician under the provisions of this act shall not again be subjected to examination, unless five citizens of good standing in the same vicinity shall complain to the medical board that such physician is not qualified to practice his profession."*

Lost.

Senator Shannon offered the following amendment: Strike out, in the caption, the words "and pharmacy," and all that refers to pharmacy wherever it occurs in the bill.

Senator Buchanan of Grimes moved the previous question on the pending amendment. Motion seconded and the main question ordered.

Senator Shannon's amendment was lost by the following vote:

## YEAS—10.

Burges,	Patton,	Shannon,
Houston,	Powers,	Swain,
Lane,	Ross,	Weatherred.
Martin of Cooke,		

## NAYS—19.

Buchanan of Grimes	Harris,	Martin of Navarro,
Buchanan of Wood,	Henderson,	Moore,
Burton,	Hightower,	Stubbs,
Cooper,	Homan,	Terrell,
Davenport,	Lair,	Tilson,
Duncan,	Lightfoot,	Wynne.
Gooch,		

Senator Stubbs called up his motion to reconsider the adoption of Senator Burges' amendment, which motion was lost by the following vote:

## YEAS—14.

Buchanan of Grimes	Henderson,	Stubbs,
Buchanan of Wood,	Hightower,	Terrell,
Burton,	Homan,	Tilson,
Cooper,	Lair,	Wynne.
Duncan,	Moore,	

## NAYS—15.

Burges,	Lane,	Powers,
Davenport,	Lightfoot,	Ross,
Gooch,	Martin of Cooke,	Shannon,
Harris,	Martin of Navarro,	Swain,
Houston,	Patton,	Weatherred.

Senator Wynne offered the following amendment: Amend by adding to the amendment of the Senator from Guadalupe the following:

*Provided, that this exemption shall not authorize the filling of pre-*

scriptions by clerks in a regular drug store, or a store wherein drugs or the principal articles are sold, or where persons vending medicines and compounding medicines shall have had an opportunity to have been examined by board as herein provided.

On motion of Senator Lair, the pending amendment and the bill were indefinitely postponed.

Senate substitute bill No. 102, "An act making an appropriation for the support of the State government for the years beginning March 1 and ending February 28, 1883," being the next special order, was taken up, the pending question being the amendment of Senator Burges to the amendment of Senator Swain, under head of penitentiary.

On motion of Senator Swain, the amendments were postponed until to-morrow.

Senator Martin of Cooke offered the following amendment: Amend by striking out in line 4, page 10, the words "five" and "2400 and 2400" and insert "four" and "1920, 1920."

Senator Duncan moved to recommit the bill to the Committee on Finance. Withdrawn.

Senator Duncan then moved to postpone the further consideration of the appropriations of the Deaf and Dumb Asylum for the present. Adopted.

Senator Houston offered the following amendment to the Attorney-General's department: Item 4 on page 11, line 4, strike out "1500, 1500," and insert "1800, 1800."

Senator Wynne entered a motion to reconsider the vote taken this morning, indefinitely postponing Senate bill No. 52, "An act to regulate the practice of medicine, surgery and pharmacy, and to repeal chapter 3 of the Penal Code."

On motion of Senator Swain, the Senate adjourned until 3 o'clock P. M.

## AFTERNOON SESSION.

Senate met pursuant to adjournment; the President pro tem. in the chair.

Roll called; quorum present.

On motion of Senator Ross, Senator Moore was excused until next Wednesday.

Senator Harris called up Senate bill No. 71, "An act to authorize married women to grant powers of attorney to her husband, to sell and convey the separate property of the wife, and to legalize deeds heretofore made, by husbands under power of attorney from the wife."

Senator Patton, by leave, offered memorial from the citizens of Brazoria and Matagorda counties, praying the Legislature that in event of a new apportionment of the State, to relieve their counties from Galveston supervision and control, and in event of no new apportionment of senatorial representation, that an amendment be made abolishing the flatorial district, and make the two counties above mentioned compose the Thirty-sixth Representative District. Referred to Committee on Senatorial and Representative Apportionment.

Senator Stubbs, by leave, offered a memorial from the citizens of Brazoria and Matagorda counties, protesting against the legislation set forth in the memorial of Senator Patton. Referred to Committee on Senatorial and Representative Apportionment.

Senator Harris moved to adopt majority report on the pending bill.

Senator Buchanan of Wood, moved to adopt the minority report in lieu of the majority report.

(President in the chair.)

Minority report adopted, and bill lost.

Senator Henderson's name being next on the roll he called up Senate bill No. 28, "An act to amend article 560 of Code of Criminal Procedure."

Bill read third time.

Senator Duncan offered the following amendment: Strike out "as true," after "communicated to him."

Senator Homan moved the previous question on amendment on passage of the bill. Motion seconded and main question ordered.

Senator Duncan's amendment was lost by the following vote:

YEAS—12.

Buchanan of Grimes,	Duncan,	Martin of Navarro,
Buchanan of Wood,	Gooch,	Patton,
Cooper,	Harris,	Stubbs,
Davenport,	Lane,	Weatherred.

NAYS—14.

Burges,	Lair,	Ross,
Henderson,	Lightfoot,	Shannon,
Hightower,	Martin of Cooke,	Terrell,
Homan,	Moore,	Tilson.
Houston,	Powers,	

NOT VOTING—2.

Burton, Wynne.

Bill passed by the following vote:

YEAS—20.

Buchanan of Grimes	Houston,	Powers,
Buchanan of Wood,	Lair,	Ross,
Burges,	Lane,	Shannon,
Gooch,	Lightfoot,	Stubbs,
Henderson,	Martin of Cooke,	Terrell,
Hightower,	Martin of Navarro,	Tilson,
Homan,	Moore,	

NAYS—6.

Cooper,	Duncan,	Patton,
Davenport,	Harris,	Weatherred,

NOT VOTING—2.

Burton, Wynne.

On motion of Senator Burges, Senator Swain was excused for the evening.

Senator Martin of Cooke moved to adjourn till to-morrow morning at 9:30 A. M. Lost.

Senator Hightower, next on roll, called up House bill No. 4, "An act to amend articles 364 and 365 of 'an act to establish a Penal Code and Code of Criminal Procedure,' presented to the Governor for his approval on February 27, 1879." Bill read second time.

Senator Duncan moved to adjourn until 9:30 A. M. to-morrow. Lost.

Senator Buchanan of Wood offered the following amendment: Amend by adding to article 364 the following:

*And provided further, that if any peace or civil officer shall play at any of the games named in this or the six preceding articles, he shall be fined not less than one hundred nor more than one thousand dollars, and be subject to removal from office as provided by law.*

Adopted.

Senator Duncan offered to amend as follows: Strike out "dominoes." Withdrawn.

Senator Burges offered the following amendment: Amend by striking out the words "crack-loo" and "crack-or-loo" whenever these words occur in the bill.

Senator Gooch moved the previous question on the bill. Motion seconded and main question ordered.

Senator Patton moved a call of the Senate.

Senator Gooch made the point of order that the call of the Senate was out of order, as the main question had been ordered by the Senate when the call was moved. Point of order sustained.

The amendment of Senator Burges was then lost, and the bill passed to a third reading by the following vote:

YEAS—22.

Buchanan of Grimes	Duncan,	Henderson,
Buchanan of Wood,	Gooch,	Hightower,
Davenport,	Harris,	Homan,

Lair,  
Lane,  
Lightfoot,  
Martin of Navarro,  
Moore,

Powers,  
Ross,  
Shannon,  
Stubbs,  
Terrell,

Tilson,  
Weatherred,  
Wynne.

NAYS—4.

Burges,  
Cooper,

Houston,

Patton.

NOT VOTING—2.

Burton,

Martin of Cooke.

On motion of Senator Buchanan of Wood, the Senate adjourned until 9:30 to-morrow morning.

#### FORTIETH DAY.

SENATE CHAMBER, }  
AUSTIN, February 26, 1881. }

Senate met pursuant to adjournment; President in the chair.

Roll called; quorum present.

Prayer by Rev. Dr. R. F. Bunting.

On motion of Senator Homan, the reading of the journals of yesterday was dispensed with, and the same adopted.

On motion of Senator Buchanan of Grimes, Engrossing Clerk A. M. Belvin was excused for to-day on account of sickness.

On motion of Senator Henderson, Senator Patton was excused for the day on account of sickness.

Senator Powers offered a petition from the citizens of Dimmit county, praying that a law be passed to allow sheriffs to call on the Texas volunteer guards in case of emergency to assist in the execution of criminal process. Referred to Committee on Frontier Protection.

Also, a petition from the citizens of Atascosa county, asking that laws be passed to allow sheriffs to call on the Texas volunteer guards in case of emergency to assist in the execution of criminal process. Referred to Committee on Frontier Protection.

Senator Cooper presented a petition from the citizens of Polk county, asking the submission to the people a constitutional amendment prohibiting the manufacture, sale or importation of intoxicating liquors in this State. Referred to Committee on Constitutional Amendments.

Also, a petition from lumber manufacturers of Beaumont, Texas, asking legislation to better protect the logging and rafting interest. Referred to Committee on Internal Improvements.

Senator Lair presented a petition with 220 signers, praying the passage of a constitutional amendment prohibiting the importation, manufacture or sale of ardent spirits in the State of Texas. Referred to Committee on Constitutional Amendments.

Senator Terrell, chairman of Judiciary Committee No. 1, submitted the following reports:

COMMITTEE ROOM,  
AUSTIN, February 26, 1881.

Hon. L. J. Storey, President of the Senate.

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 176, entitled "An act to authorize the counties of this State to take up their outstanding warrants or evidences of debt, executed for debts incurred in erecting public buildings, and to execute others in lieu thereof, and to provide by special tax for the payment of the principal and interest of the same," have had the same under consideration, and instruct me to report it back with amendments, and to recommend that, as amended, it do pass.

TERRELL, Chairman.

#### COMMITTEE AMENDMENTS.

Amend by striking out, in lines 4 and 5 of section 1, the words "or that may hereafter issue warrants."

Also, amend by adding on to the end of section 1, after the word "pay," in line 23, the words "not to exceed eight per cent per annum."